

AMENDED IN ASSEMBLY APRIL 15, 2010

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2650

Introduced by Assembly Member Buchanan

February 19, 2010

An act to add Section 11362.768 to the Health and Safety Code, relating to ~~inmates~~ *medical marijuana*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2650, as amended, Buchanan. Medical marijuana.

Existing law added by initiative, the Compassionate Use Act of 1996, prohibits any physician from being punished, or denied any right or privilege, for having recommended marijuana to a patient for medical purposes. The act prohibits the provisions of law making unlawful the possession or cultivation of marijuana from applying to a qualified patient, the qualified patient's primary caregiver, or an individual who provides assistance to the qualified patient or the qualified patient's primary caregiver, who possesses, cultivates, or distributes marijuana for the personal medical purposes of the qualified patient upon the written or oral recommendation or approval of a physician. Existing statutory law requires the State Department of Public Health to establish and maintain a voluntary program for the issuance of identification cards to qualified patients and establishes procedures under which a qualified patient with an identification card may use marijuana for medical purposes. Existing law regulates qualified patients, a qualified patient's primary caregiver, and individuals who provide assistance to

the qualified patient or the qualified patient's primary caregiver, as specified. A violation of these provisions is generally a misdemeanor.

This bill would provide that no medical marijuana cooperative, collective, dispensary, operator, establishment, or provider; *authorized by law to possess, cultivate, or distribute medical marijuana* shall be located within a 1,000-foot radius of a school, ~~public park, public library, religious institution, licensed child care facility, youth center, substance abuse rehabilitation center, or any preexisting medical marijuana cooperative, collective, dispensary, operator, establishment, or provider,~~ as specified. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11362.768 is added to the Health and
- 2 Safety Code, to read:
- 3 11362.768. (a) This section shall apply to individuals specified
- 4 in subdivision (b) of Section 11362.765.
- 5 (b) No medical marijuana cooperative, collective, dispensary,
- 6 operator, establishment, or provider who possesses, cultivates, or
- 7 distributes medical marijuana pursuant to this article shall be
- 8 located within a 1,000-foot radius of a ~~school, public park, public~~
- 9 ~~library, religious institution, licensed child care facility, youth~~
- 10 ~~center, substance abuse rehabilitation center, or any preexisting~~
- 11 ~~medical marijuana cooperative, collective, dispensary, operator,~~
- 12 ~~establishment, or provider.~~ *school.*
- 13 (c) The ~~distances~~ *distance* specified in this section shall be the
- 14 horizontal distance measured in a straight line from the property
- 15 line of the ~~school, public park, public library, religious institution,~~
- 16 ~~licensed child care facility, youth center, substance abuse~~
- 17 ~~rehabilitation center, or preexisting medical marijuana cooperative,~~
- 18 ~~collective, dispensary, operator, establishment, or provider, to the~~
- 19 ~~closest school to the closest~~ property line of the lot on which the

1 medical marijuana cooperative, collective, dispensary, operator,
2 establishment, or provider is to be located without regard to
3 intervening structures.

4 (d) This section shall not apply to a medical marijuana
5 cooperative, collective, dispensary, operator, establishment, or
6 provider that is also a licensed residential medical or elder care
7 facility.

8 (e) *This section applies only to a medical marijuana cooperative,*
9 *collective, dispensary, operator, establishment, or provider that*
10 *is authorized by law to possess, cultivate, or distribute medical*
11 *marijuana.*

12 (f) *Nothing in this section shall be construed to supersede*
13 *existing local ordinances that impose more restrictive requirements*
14 *on the location of a medical marijuana cooperative, collective,*
15 *dispensary, operator, establishment, or provider that is authorized*
16 *by law to possess, cultivate, or distribute medical marijuana.*

17 SEC. 2. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.